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Homicide by Chain Gang Convict.—The Supreme Court of Georgia, in reversing a conviction for murder, holds, in the case of *Westbrook v. State*, 66 Southeastern Reporter 788, that convicts are human, subject to passions as other men, and entitled to similar rights under the criminal laws of the state. The evidence went to show that Westbrook killed a fellow convict while under heat of passion, engendered by an attempt on the part of the warden to inflict corporal punishment upon him, and that the deceased, with other convicts fastened to the same chain as defendant, were giving some small assistance to the warden. It seems at least doubtful whether the officer was not exceeding his authority in his attempted punishment. If this were true, the killing of the warden himself would have been reduced to voluntary manslaughter, and no greater crime would have resulted in the killing of a fellow convict, aiding and abetting the officer in his unlawful assault. The Supreme Court held that an instruction on the law of voluntary manslaughter should have been given, and reversed the conviction of murder.

Injury Caused by Discharge of Insane Patient from Hospital.—Defendants, in *Bollinger v. Rader*, 66 Southeastern Reporter, 314, were officers of the North Carolina State Hospital for Insane. Acting under the statute giving them power to discharge or remove any person found to be sane or incurable, they discharged a patient who, about six months later, killed a young girl, for whose death the action was prosecuted on the ground that defendants were negligent in turning the patient loose, and that the death would not have occurred had they properly performed their duties. The North Carolina Supreme Court could not be induced to believe that the death was something that might reasonably or probably have been expected to follow from the acts of defendants, saying that: "It may be that if they had kept Rader confined in the state hospital he might not have killed her, but it is equally true that if he had never been born or had never become insane he would not have killed her. The discharge of Rader, his absence from the hospital, his presence in Catawba county, and his presence at church on the day of the homicide, was a mere condition which accompanied, but did not cause, the injury. * * * Counsel pertinently ask, 'Is the absence of the policemen from his beat and this dereliction of duty on his part the cause of a burglary which happens in his absence?'" Judgment sustaining a demurrer to the complaint was sustained.

Dying Declarations.—The admissibility in evidence of certain dying declarations is discussed by the Louisiana Supreme Court in *State v. Brady*, 50 Southern Reporter, 806. After saying that he